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PATENT
ATTORNEY DOCKET NO: 653.02

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of)
)
Courtney W. Turpen)
)
Application No.: 10/800,044)
)
Filing Date: March 12, 2004)
)
For: SPA AND SPILLWAY ASSEMBLY)
AND METHOD)
)
)
Commissioner for Patents)
Post Office Box 1450)
Alexandria, VA 22313-3513)

Group Art Unit: 3751
Examiner: Fetsuga, Robert M.

CERTIFICATION UNDER 37 CFR §1.10

I hereby certify that this document as enclosed herein is being deposited with the United States Postal Service on this date 3/22/06 in an envelope addressed to: Commissioner for Patents, Post Office Box 1450, Alexandria, VA 22313-3513

By: _____

Teri Nelmark

INFORMATION DISCLOSURE STATEMENT

Dear Sir:

Applicant submits herewith patents, publications or other information (attached hereto and listed on the attached Form PTO-1449) of which he is aware pursuant to his duty of disclosure in accordance with 37 C.F.R. § 1.56.

This Information Disclosure Statement:

- (a) ☐ accompanies the new patent application submitted herewith.
- (b) ☐ is filed within three months after the filing date of the application or within three months after the date of entry of the national stage of a PCT application as set forth in 37 C.F.R. § 1.491. 37 C.F.R. § 1.97(b)(1) and (2).
- (c) ☐ as far as is known to the undersigned, is filed before the mailing date of a first Office action on the merits. 37 C.F.R. § 1.97(b)(3).

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- (d) ☐ as far as is known to the undersigned, is filed before the mailing of a first Office Action after the filing of a request for continued examination under 37 C.F.R. §1.114. 37 C.F.R. § 1.97(b)(4).
- (e) ☒ is filed after the first office action and more than three months after the application's filing date or PCT national stage date of entry filing but, as far as is known to the undersigned, prior to the mailing date of any of a final rejection, a notice of allowance, or an action that otherwise closes prosecution in the application, whichever occurs first, and is accompanied by either the fee set forth in 37 C.F.R. § 1.17(p) or a certification as specified in 37 C.F.R. § 1.97(e), as checked below. 37 C.F.R. § 1.97(c).
- (f) ☐ is filed after the mailing date of any of a final rejection, a notice of allowance, or an action that otherwise closes prosecution in the application, whichever occurs first, and is accompanied by the fee set forth in 37 C.F.R. § 1.17(i)(1) and a certification as specified in 37 C.F.R. § 1.97(e), as checked below. 37 C.F.R. § 1.97(d). This document is to be considered as a petition requesting consideration of the information disclosure statement.

[If either of boxes (e) or (f) are checked above, the following "certification" under 37 C.F.R. § 1.97(e) may need to be completed.] The undersigned certifies that:

- ☐ Each item of information contained in the information disclosure statement was cited in a communication mailed from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of this information disclosure statement.
- ☐ No item of information contained in this information disclosure statement was cited in a communication mailed from a foreign patent office in a counterpart foreign application or, to the knowledge of the undersigned after making reasonable inquiry, was known to any individual designated in 37 C.F.R. § 1.56(c) more than three months prior to the filing of this information disclosure statement.

A list of the patent(s) or publication(s) is set forth on the attached Form PTO-1449
(Modified).

A copy of the items on PTO-1449 is supplied herewith:

☐ each ☒ none ☐ only those listed below:

A concise explanation of relevance of the items listed on PTO-1449 is:

☒ not given

☐ given for each listed item

☐ given for only non-English language listed item(s) [Required]

☐ is in the form of an English language copy of a Search Report from a foreign
patent office, issued in a counterpart application, which refers to the relevant
portions of the references.

The Examiner is reminded that a "concise explanation of the relevance" of the submitted
prior art "may be nothing more than identification of the particular figure or paragraph of the
patent or publication which has some relation to the claimed invention," MPEP § 609.

Pursuant to 37 C.F.R. § 1.97(g), the filing of this Information Disclosure Statement shall
not be construed as a representation that a search has been made. Furthermore, pursuant to 37
C.F.R. § 1.97(h), the filing of this Information Disclosure Statement shall not be construed to be
an admission that the information cited in this statement is, or is considered to be, material to
patentability, as defined in 1.56(b). The filing of this Information Disclosure Statement is not
intended to constitute an admission that any patent, publication or other information referred to
therein is "prior art" for this invention unless specifically designated as such.


It is submitted that the Information Disclosure Statement is in compliance with 37 C.F.R.
§ 1.98 and MPEP § 609 and the Examiner is respectfully requested to consider the listed
references.

The Commissioner is hereby authorized to charge any underpayment of fees associated with this communication or credit any overpayment to Deposit Account No.04-0822.

Respectfully submitted,

DERGOSITS & NOAH LLP

Dated: March 21, 2006

By: 
Michael E. Dergosits
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FORM PTO-1449 (Modified) (Rev. 7-80)		U.S. Dept. of Commerce Patent and Trademark Office		Atty. Docket No: 653.02		Appl. No: 10/800,044	
LIST OF REFERENCES CITED BY APPLICANT				Applicant: Courtney W. Turpen			
(Use several sheets if necessary)				Filing Date: March 12, 2004			
U.S. PATENT DOCUMENTS							
Examiner Initials		Document Number	Date	Name	Class	Subclass	Filing Date
		4,133,059	1/9/1979	Baker			
		4,146,937	4/3/1979	Baker			
		4,238,859	12/16/1980	Badon, Jr.			
		5,524,399	6/11/1996	Reum, et al.			
		5,720,056	2/24/1998	Aymes			
		5,727,264	3/17/1998	Craig, et al.			
		5,787,519	8/4/1998	Smith			
		5,881,402	3/16/1999	Devino, et al.			
		6,360,380	3/26/2002	Swart, et al.			
		6,581,217	6/24/2003	Marcos			
FOREIGN PATENT DOCUMENTS							
		Document Number	Publication Date	Country	Class	Subclass	Translation Yes No
OTHER REFERENCES (Including Author, Title, Date, Pertinent Pages, Etc.)							
Examiner				Date Considered			
* Examiner: Initial if reference considered, whether or not citation is in conformance with MPEP 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.							